IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3730 OF 2006

In

SUIT NO.2035 OF 1986

The Board of Trustees of the Port of Bombay : Plaintiff

V/s.

M/s.Nehal International & Ors. : Defendants

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Mr.U.J.Makhija i/b. M/s.Mulla & Mulla & Craigie Blunt & Caroe for the plaintiff.

Ms Sophia Pinto i/b. M/s.R.G.Sheth & Co., for defendant no.1 to 3.

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CORAM : S.A.BOBDE, J.

DATE : JANUARY 22, 2007.

P.C.

1. The defendant has moved this Notice of Motion under Order IX Rule 13 of the Code of Civil Procedure for setting aside the decree which is passed under Order VIII Rule 10 of the Code of Civil Procedure.

2. Such a Motion is held not to be maintainable by a Division Bench of this Court in Dhanwantrai R. Joshi & ors. v. Satish J. Dave & ors. (1998 (3) Mh.L.J. 924). Hence, Notice of Motion is dismissed.

S.A. BOBDE, J.